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All Interested Parties

Your Ref:

Our Ref:

TR040011

Date:

26 January 2021

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Dear Sir/ Madam

**Planning Act 2009 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rules 9, 13, 16 and 17**

**Application by North Somerset District Council for an Order Granting Development Consent for the Portishead Branch Line – MetroWest Phase 1**

**Notification of hearings, Further Written Questions and Procedural Decisions in relation to the Accompanied Site Inspection and a request to make changes to the original application submitted at Deadline 4**

This letter provides you with details of the notification of the hearings that will be held during the week commencing 1 March 2021; publication of the Examining Authority's (ExA) Further Written Questions; a Procedural Decision on whether to hold an Accompanied Site Inspection and a Procedural Decision in relation to a request submitted by the Applicant to remove Work Nos 10C, 12B, 16B and 27 from the application as originally submitted.

All documentation associated with this project, including information about the recent Issue Specific Hearings and the digital recordings taken at those meetings can be found on the project page of the National Infrastructure Planning Website and can be accessed using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20West/Portishead-Branch-Line---MetroWest-Phase-1/>

Documents referred to in this letter can be found in the Examination Library (EL) which is available on the same page. To ease reference, you will find the relevant documents linked with EL reference in square brackets.

## Notification of hearings under Section 91 and 92 of the Planning Act 2008

The ExA have decided to hold a series of hearings in the week commencing 1 of March 2021. Notice of the dates, times and places of these hearings is provided at **Annex A** along with other important information about these events including details about the requests to be heard and the procedure that will be followed at hearings.

Due to the continued threat of, and uncertainties around COVID-19 and the latest Government guidance and restrictions the ExA have made the Procedural Decision that these hearings will be held by virtual means, through Microsoft Teams.

If you wish to participate in any of the hearings, please let the Planning Inspectorate's Case Team know by emailing [Metrowest1@planninginspectorate.gov.uk](mailto:Metrowest1@planninginspectorate.gov.uk) as soon as possible and no later than **26 February 2021**.

For those that do not wish to participate in the hearings there is the opportunity to observe the hearings in real time via a livestream link which will be published on the project page of the National Infrastructure Planning website shortly before the start of the hearing. Alternatively, a full digital recording of the event will be made available on the same webpage as soon as possible after the close of the hearing.

### Hearing agendas

We will aim to publish a final agenda for each Hearing on the project page of the National Infrastructure Planning website around ten working days in advance of the Hearing date.

### ExA's Written Questions

The ExA have compiled a set of Further Written Questions about the application and the evidence submitted and heard so far. These questions are published on the project page of the National Infrastructure Planning website and can be accessed through the following link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR040011/TR040011-001129-Portishead%20Second%20Written%20Questions.pdf>

Answers to the Further Written Questions must be submitted by Deadline 5 (**16 February 2021**) in the Examination Timetable which can be found attached to the Rule 8 letter [[PD-009](#)].

If you require a hard copy of the Further Written Questions, please contact the Case Team who will send you a copy.

### Accompanied Site Inspection (ASI)

The ExA are conscious of the continued threat of, and uncertainties around COVID-19. In light of the latest Government Guidance to control the COVID-19 outbreak and the restrictions on travel and gatherings as discussed at the Issue Specific Hearings in January [[EV-009](#) and [EV-010](#)] the ExA have reviewed the requests to hold a ASI under Rule 16 of the Infrastructure Planning (Examination Procedure) Rules 2010.

Having considered the locations suggested the ExA are satisfied that they have either visited the majority of locations suggested on an unaccompanied basis [[EV-001](#) and [EV-002](#)]; that some of the locations could, if required, be visited on an unaccompanied or access only basis; or that enough information has been submitted



onto the Examination for an ASI not to be required. As a result, the ExA have made the Procedural Decision not to hold an ASI but are currently considering, subject to Government Guidance, undertaking a further Unaccompanied Site Inspection before the close of the Examination.

#### **Request to make changes to the original application as submitted at Deadline 4 [REP4 -027]**

The Applicant has requested [[REP4-027](#)] that the following works be removed from the Application:

<b>Work No</b>	<b>Description of Work</b>	<b>Land and Work Plan Reference/ Plot No</b>
10C	Pond of 586 sqm in area within Portbury Wharf Ecology Park, Portbury	Sheet 2 Plots 02/31 and 02/32
12B	Pond and associated ecological works to the North of Work No 1 and to the south of the highway of Sheepway, Portbury	Sheet 3 Plots 03/30, 03/32 and 03/33
16B	Pond and associated ecological works to the south of the disused Portishead Branch Line railway and to the west of the M5 Special Road, Easton in Gordano	Sheet 5 Plot 05/85
27	Foot and cycle track and ramp of 140 meters in length from the A370 classified road known as Ashton Road to Ashton Vale Road to the west of Parson Street to Royal Portbury Dock railway, Ashton together with alterations to utilities apparatus, drainage, fencing, lighting and landscaping	Sheets 15 and 16

Following the agreement between the Applicant and Natural England (NE) [[REP3-045](#)] to use District Level Licensing (DLL) for Great Crested Newts rather than a specific European Protected Species Licence the three ponds and associated ecological works (Work Nos 10C, 12B and 16B) proposed as mitigation would no longer be required.

At the Compulsory Acquisition Hearing [[EV-008](#)] the ExA questioned the need for Work No 27 given that the Applicant had indicated to Babcock International [[REP2-018](#)] that they did not envisage that the ramp would be constructed as part of the main programme of works but would follow later if needed. Bristol City Council have agreed [[REP4-039](#)] that the work would provide no tangible benefit and that its removal would not impact on the effectiveness of the Applicant's proposed mitigation for Ashton Vale Road.

Having examined the matter at the Issue Specific Hearings in January [[EV-009](#) and [EV-010](#)] and reviewed the additional information submitted at Deadline 4 the ExA conclude that the proposed changes would not have a significant bearing on the scope and assessment within the Environmental Statement and would not materially alter

the conclusions reached within it. As a consequence, the changes can be deemed to be non-material and accordingly are accepted into the Examination.

The following updated documents are required from the Applicant in order for the ExA to accept the change into the Examination:

- Explanatory Memorandum;
- Statement of Reasons;
- Land Plans;
- Work Plans;
- Book of Reference;
- Environmental Statement; and
- Any other documents that the Applicant considers need to be amended to omit Work Nos 10C, 12B, 16B and 27.

The Applicant is also asked to confirm that the environmental effects resulting from the changes associated with the deletion of Work Nos 10C, 12B, 16B and 27 have been cumulatively assessed with other chapters in the Environmental Statement.

The Applicant is also advised that they need to ensure that any Affected Persons that would be affected by the removal of these works are informed and made aware of their rights if their land is no longer required for Compulsory Acquisition or Temporary Possession.

The ExA request that the additional information sought, the changed documents and the notification of any Affected Persons as a result of the acceptance of this change are submitted at Deadline 6, **15 March 2021**.

If you have any further queries, please do not hesitate to contact the Case Team using the details at the top of this letter.

Yours Faithfully

*Jo Dowling*

**Lead Member of the Panel**

### **Annexes**

- A** Notice of hearings and request to appear and procedure to be followed at hearings

## Notice of Hearings, requests to appear and procedure to be followed at Hearings

### Notification of hearings under Sections 91 & 92 of the Planning Act 2008

Notification of the date, time and place of a Compulsory Acquisition Hearing and Issue Specific Hearings to be held in the first week of March 2021.

<b>Date</b>	<b>Hearing</b>	<b>Start time</b>	<b>Venue</b>
<b>Tuesday 2 March 2021</b>	<b>Issue Specific Hearing (ISH4)</b> on the draft Development Consent Order	<b>10:00</b> Arrangements Conference 9:30	<b>By Virtual Means</b> (see below)
<b>Wednesday 3 March 2021</b>	<b>Compulsory Acquisition Hearing (CAH2)</b>	<b>10:00</b> Arrangements Conference 9:30	
<b>Thursday 4 March 2021</b>	<b>Issue Specific Hearing (ISH5)</b> on Environmental Matters (if required)	<b>10:00</b> Arrangements Conference 9:30	
<b>Friday 5 March 2021</b>	<b>Hearings</b> (Reserve date)	<b>10:00</b> Arrangements Conference 9:30	

The Examining Authority (ExA) are conscious of the continued threat of, and uncertainties around, COVID19 and the latest Government guidance and restrictions. Equally, the Government has made it clear that the consenting processes for National Infrastructure Projects should progress. As a result, the ExA have therefore made a Procedural Decision that these Hearings will be held virtually, through Microsoft Teams.

If you wish to participate in any of the Hearings listed above, please let the Planning Inspectorate's Case Team know by emailing [Metrowest1@planninginspectorate.gov.uk](mailto:Metrowest1@planninginspectorate.gov.uk) as soon as possible and no later than **Friday 26 February 2021**.

If you do not wish to speak but would like to observe the Hearings in real time, rather than retrospectively as a recording, you can follow the Hearings via a livestream. The link to the livestream will be published on the Portishead MetroWest 1 project page of the National Infrastructure website shortly before the Hearing's commencement. A full digital recording will be made available on the same web page as soon as possible after the close of the Hearing.

Information about hearings is included in the Planning Inspectorate's Advice Notes which can be found here:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

### **Issue Specific Hearings and Compulsory Acquisition Hearings**

Depending on the number of participants at each Hearing, and the progress made during the events, it may be necessary to have breaks in proceedings. Additionally, in the unlikely event that there is an IT failure, we will attempt to resume the event later that day. As such, prospective participants are advised to keep the whole day available for each event.

### **Procedure at Hearings**

The procedure to be followed at Hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010. Any oral representations must be based on either the Relevant Representation or Written Representation made by the person by whom, or on whose behalf, the oral representations are made.

The ExA are responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties. Our Examination will be principally undertaken through the exchange of written submissions, and we will decide whether a Hearing on a particular issue or topic is necessary. This decision is not connected to how relevant or important we consider an issue or topic to be.

### **Hearing agendas**

We will aim to publish a final agenda for each Hearing on the project page of the National Infrastructure website around ten working days in advance of the Hearing date. The actual agenda on the day of each Hearing may be subject to change at the discretion of the ExA.